

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

ANDRE SIMS,

Plaintiff,

vs.

MIDLAND FUNDING, LLC and
GORDON, AYLWORTH, & TAMI, P.C.

Defendants.

NO. 2:20-cv-01230-TSZ

**DECLARATION OF ANDRE SIMS IN
SUPPORT OF MOTION FOR PARTIAL
SUMMARY JUDGMENT**

Andre Sims declares as follows:

1. I am the Plaintiff, Dr. Andre Sims, am over the age of majority, and make this declaration of my own personal knowledge.

2. I am the senior pastor at Christ the King Bible Fellowship, a church located in Federal Way, Washington, and have been in this position for the past 21 years. I have been in the ministry for 32 years.

Midland Lawsuit

3. On November 7, 2019, I was served with a lawsuit filed in King County District Court, titled *Midland Funding, LLC v. Andre Sims*, no. 19CIV15376KCX.

1 4. I have never been sued before, nor have I brought a lawsuit before.

2 5. When I received the lawsuit, I had two immediate concerns:

3 a. First, if I were to lose a lawsuit, this would initiate a review process through my
4 church's Elder Board (the highest level of leadership in the church). This process is designed to
5 examine an individual's integrity. As the senior pastor of the church, I am held to a very high
6 standard, and my integrity is of significant concern to the Elder Board.

7 b. Second, I was concerned about the other possible consequences of losing a
8 lawsuit, which I knew could include garnishments, but I did not know what other judicial
9 intervention would occur.

10 c. Ultimately, when my wages were garnished, this actually did trigger a review
11 process by the Elder Board. This was something I had greatly hoped to avoid, as it impacts my
12 reputation and integrity. When this occurred in June 2020, I sought legal counsel to determine
13 what my rights and responsibilities were. In so doing, I incurred travel expenses (primarily, gas
14 for my car) and I had copies of the garnishment paperwork made (a receipt for which is attached
15 hereto as Exhibit A). In total, I estimate my out-of-pocket expenses at around \$20.00.

16 6. I did not know who Midland Funding, LLC was, but my understanding was that
17 they were collecting on behalf of a Citibank credit card, which I realized I had let lapse.

18 7. It is important to me that I honor my obligations, so on or about November 20,
19 2019, I placed a phone call to the law firm Gordon, Aylworth & Tami, P.C. ("GAT").

20 8. I do remember that call; I was in the parking lot of my church, and at the
21 conclusion of the call, I needed to quickly return to my office. My understanding at the end of
22 the call was that I had agreed to pay \$300.00 per month until the entire the obligation was paid in
23 full, and that the next step in the process was that I would receive some type of paperwork from

1 GAT.

2 a. I have since reviewed GAT's recording of this phone call. Perhaps demonstrating
3 the fallibility of human memory, I had actually agreed to \$200.00 per month. I did not remember
4 agreeing to make a payment that same day, though obviously that is what I said.

5 **Aftermath of the Phone Call (late 2019 – mid 2020)**

6 9. After the phone call with GAT, I remember immediately returning to my office to
7 assist a member of my church. It is clear that I was sidetracked by this multitasking, as I am
8 often presented with urgent situations. In my ministry generally, and especially so near the
9 holidays, many people come to me with severe crises that need immediate intervention.
10 Additionally, at that time, Thanksgiving was coming up, as was the Christmas holiday.

11 10. The holidays are very busy times in my ministry, and I am frequently pulled aside
12 by parishoners seeking advice and counsel on all types of matters. The holidays are an
13 additionally stressful time for people, between conflicts with family, the rapidly-changing
14 Northwest weather, and financial pressures (often related to the materialistic expectations
15 surrounding the holidays).

16 11. Every Thanksgiving, our church organizes the Federal Way "Turkey Trot," held
17 at a middle school, involving 500-600 children, plus their families. This event, the biggest
18 public school event in Federal Way, requires considerable attention as well.

19 12. Thus, given the nature of my work, I was simply occupied with church-related
20 matters and did not notice that I had not received paperwork from GAT concerning the
21 resolution of the lawsuit. I did not know how the court system operated, and I presumed that
22 GAT would send the paperwork to me when it was ready to do so.
23

Receipt of Mail

13. I live at 2124 S.W. 308th Court, Federal Way, WA 98023, the home that my wife and I have owned for approximately 15 years. In November/December 2019, the only residents of my home were myself and my wife; our children had since grown up and moved out.

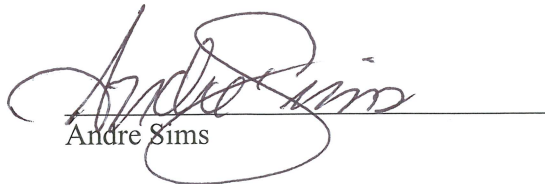
14. I understand that GAT claims to have mailed two documents to me, and I have no reason to doubt that is true. Though I do receive personal mail my church office, I have no explanation as to how I could have not received these mailings, as my wife and I check the mail regularly.

15. As our home is in a cul-de-sac, the mailbox is located next to our neighbors' mailboxes in our cul-de-sac, approximately 150-200 feet from our home. While the mailbox does not have a lock on it, we live in a safe neighborhood.

16. We did rent our home between 2013-2018, and to this date, we still receive mail directed to the prior tenants. I am not aware of this causing any trouble with my own receipt of mail, but I suppose it is possible.

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES AND THE STATE OF WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT.

DATED this 2nd day of March, 2021 at Federal Way, Washington.


Andre Sims

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Scanning Page 11+ QTY 4

Reg Unit Price \$ 0.25

SubTotal \$ 8.50

Total \$ 8.50

Cash \$ 20.00

Change \$ 11.50-

Receipt ID 83834083486917888856 014 Items
CSH: EUGENE Tran: 8365 Reg: 001

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